REMARKS

Status of case

Claims 1-24 are currently pending in this case.

**Rejection under 35 U.S.C. §§ 102, 103**

Claims 1, 3-6, 8, 14-16, 18, and 20-22 were rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,230,186 (Yaker). Claims 2, 7, 17, 19, 23, and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yaker in view of U.S. Patent No. 7,228,334 (Jordan). Claims 9-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yaker in view of U.S. Patent Application No. 2002/0103935 (Fishman).

One aspect of the invention includes the specific step of <u>determining</u> whether to transmit content based on whether the device receiving the content has the functionality of restricting distribution of the content. See claim 1 ("determining means for determining whether said another communication device has a function for restricting redistribution of content according to redistribution restriction information"); claim 2 ("determining means for determining whether said another communication device has a function for restricting redistribution of content to which redistribution restriction information is appended"); claim 4 ("detecting, after detecting an instruction for transmitting said content, that said another communication device has a redistribution restriction function for restricting output of said content to an external device according to said redistribution restriction information whereby said another communication device prevents transmitting the content"); claim 24 ("determining whether said another communication device has a function for restricting redistribution of content to which redistribution restriction information is appended").

The Office Action states that the Yaker reference teaches this feature, citing col. 4, lines 53-55 of the Yaker reference. For convenience, the cited portion and the associated figure are reproduced below:

> Figure 3 shows another embodiment of the present invention . . . . Another feature, for example independent of privacy attribute 308, is encryption attribute 312 . . . . As another example, encrypt attribute 312 contains the required decryption key to decrypt the message contained in data 310 of datagram 300. The key is provided for those instances where only a limited amount of privacy is required and limited encryption

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robustness is sufficient. This is applicable for example, when a sender wants to verify the existence of private message processing functions at the receiver. (Col. 4, lines 16-57
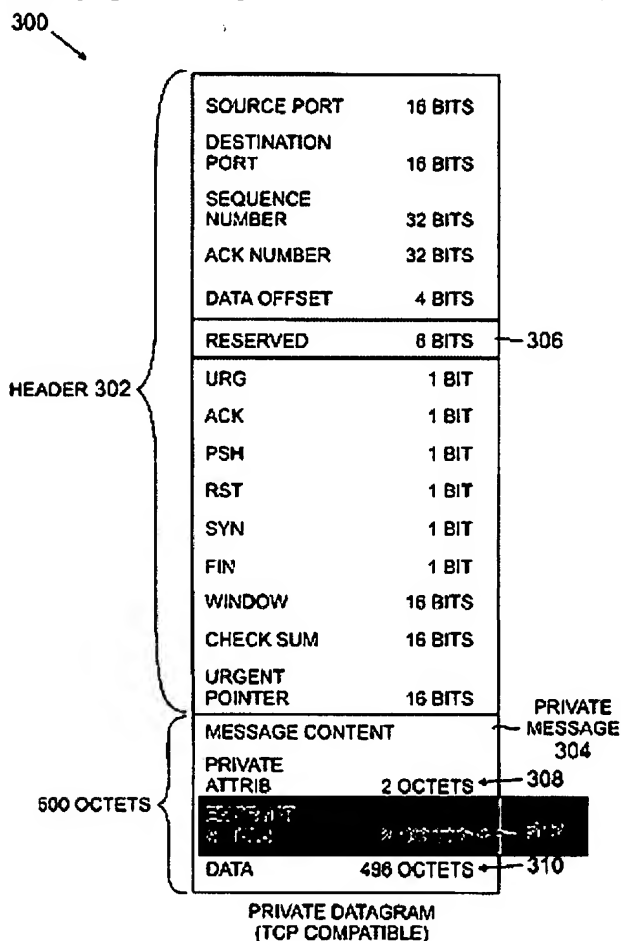
FIG. 3

Figure 3 (emphasis added). The Yaker reference thus teaches that the user may include in the message to the receiving device encrypt attribute 312 that comprises 2 octets for a decryption key.

Applicants respectfully contend that the Yaker reference does not "determine" whether the receiving device has a function of restricting distribution content prior to transmitting information to the receiving device. This is evident for several reasons. First, the Yaker reference includes the encrypt attribute 312 along with the private message sent. In particular, data 310 is sent along with the encrypt attribute 312, as shown in Figure 3 above. Therefore, as a general matter, the Yaker reference definitely does not determine prior to sending the message whether the receiving device has a function of restricting distribution content. See claims 1-2 ("transmitting means for transmitting said content . . . when it is determined by said determining

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means that said another communication device to which said content is to be transmitted is provided with a function for restricting redistribution of said content"); claim 4 ("transmitting, after detecting that said another communication device has a redistribution restriction function, said content to said another communication device"); and claim 24 ("transmitting said content to which said restriction information is appended when it is determined that said another communication device to which said content is to be transmitted is provided with a function for restricting redistribution of said content").

Second, the Yaker reference does not teach determining whether the receiving device has a function of restricting distribution content; rather, the Yaker reference teaches sending information for decryption on the assumption that the receiving device has decryption capabilities. In particular, the Yaker reference teaches that the data may be encrypted, with the encryption key being stored in encrypt attribute. The sending device in the Yaker reference sends the encryption key (along with the data), thereby assuming that in order for the receiving device to decrypt the data, the receiving device must have "private message processing functions". Thus, the citation reproduced in the Office Action ("This is applicable for example, when a sender wants to verify the existence of **private message processing functions** at the receiver." (emphasis added)) relates to the assumption of the sending device that the only way for the receiving device to process message is to have the "private message processing functions." Therefore, for at least these reasons, independent claims 1, 2, 4, and 24 are patentable over the cited references.

The Office Action further rejected claims 5 and 6 as anticipated by the Yaker reference. Claim 5 recites that "said redistribution restriction information comprises information sent from the another communication device to the communication device." The Office Action cites Figure 4 of the Yaker reference as teaching the limitation, and further states the following:

> see Fig. 4: interchangeable – "another computer device" can be the sending computer of Fig. 4 and the "communication device" can be the receiving computer of Fig.4).

Applicants respectfully contend that the Office Action misinterprets the limitation recited in claim 5. Claim 5 recites that the "redistribution restriction information" (that is used in claim 1 to determine whether the "another communication device" actually does restrict redistribution, is sent from "the another communication device to the communication device" (*i.e.*, sent from the receiving device to the sending device). In effect, the "another communication device" (or the device that will receive the information) is the device that sends the "redistribution restriction

information" that the sending device uses to determine whether the "another communication device" has the restriction functionality. The Yaker reference does not teach, or even suggest, any determination of the receiving device's restriction functionality (and certainly does not teach the receiving device sending any "redistribution restriction information" such as "identification information of the another communication device" to the sending device prior to the sending device sending information to the receiving device).

The Office Action also rejected claims 2 as obvious based on the combination of the Yaker and Jordan references. See also claim 24. As discussed above, the Yaker reference fails to teach several limitations recited in claim 2. The Office Action stated that the Yaker reference fails to teach the following limitations:

> wherein said determining means comprises:
>
> acquisition means for acquiring first identification information from said another communication device for identifying whether said another communication device has said function for restricting redistribution of said content; and
>
> memory storage means for storing second identification information for identifying communication devices having said function for restricting redistribution of said content,
>
> wherein said determining means determines whether said first identification information acquired by said acquisition means corresponds to any of second identification information stored in said memory storage means, and decides that said another communication device has said function for restricting redistribution of said content when it is determined that said first identification information acquired by said acquisition means corresponds to any of second identification information stored in said memory storage means.

The Office Action then found that the Jordan reference taught each of the limitations, citing col. 5, lines 30-46, reproduced below for convenience:

> In step 214, gateway 115 determines whether the sender has requested that message 16 not be forwarded. If so, in step 216, gateway 115 stores the message identifier associated with message 16 in a storage medium 218. Message 16 then works its way through system 10, as shown in FIG. 1, in a manner well know to those skilled in the art until it reaches client device 112 of the addressee or message recipient in step 220.
>
> If the recipient forwards message 16 to a third party in step 222, gateway 115 will interrupt the process and read the message identifier associated with message 16 and, in step 224, search storage medium 218 for a matching entry. If, in step 226, message 16 has an active non-forwarding request (i.e., gateway 115 finds a matching entry in storage medium 218), gateway 115 blocks forwarding of message 16 in step 228 and, optionally, notifies the sender of the forwarded message in step 230 before proceeding to an end in step 232.
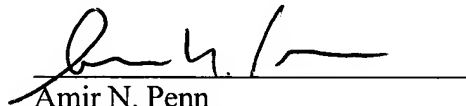
As shown in the above-excerpt as well as other sections, the Jordan reference teaches that messages 16 may contain certain "message identifiers". These message identifiers may also be stored at gateway server 115 as part of a list of "blacklisted message identifiers" or message identifiers that indicate that the message should not be forwarded. Col. 5, lines 11-21. When the gateway server 115 receives a message to forward to another computer with one of the "blacklisted message identifiers", the gateway server 115 blocks forwarding of the message.

In stark contrast to the teaching of the Jordan reference, claim 2 recites "acquisition means for acquiring first identification information from said another communication device for identifying whether said another communication device has said function for restricting redistribution of said content". See also claim 24. The Jordan reference does not determine whether to block forwarding based on any "identification information" from the receiving device. Instead, the Jordan reference determines whether to block forwarding based on the "message identifier" contained in the message. Claim 2 further recites "memory storage means for storing second identification information for identifying communication devices having said function for restricting redistribution of said content" and "wherein said determining means determines whether said first identification information acquired by said acquisition means corresponds to any of second identification information stored in said memory storage means, and decides that said another communication device has said function for restricting redistribution of said content when it is determined that said first identification information acquired by said acquisition means corresponds to any of second identification information stored in said memory storage means". See also claim 24. Thus, claim 2 recites that the "first identification information" is compared with "second identification information" that identifies communication devices that have the restricting redistribution function. In effect, the identification information of the receiving device is checked against a list of communication devices that have the stated restriction functionality. The Jordan reference does not teach, or even suggest, analyzing any identification of the receiving device, instead merely focusing on the content of the message and not on the recipient of the message. Therefore, the claims as currently presented are patentable over the cited references.

SUMMARY

Applicant respectfully requests the Examiner to grant early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

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